## THE INDIAN COMPANIES ACT, 1913 (VII OF 1913).†

**G. N., J. D., No. 9113, dated 14th December 1914 (B. G., Pt. I, p. 3020).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Ahmedabad to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., J. D., No. 2770, dated 20th April 1915 (B. G., Pt. I, p. 1114).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Surat to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., J. D., No. 5368, dated 12th August 1916 (B. G., Pt. I, p. 1761).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Poona to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., J. D., No. 5369, dated 12th August 1916 (B. G., Pt. I, p. 1761).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Sholapur to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., J. D., No. 2074, dated 30th March 1917 (B. G., Pt. I, p. 858).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Broach to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., H. D., No. 2945/2, dated 18th February 1928 (B. G., Pt. I, p. 334).** S. 3

In exercise of the powers conferred by section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Satara to exercise all the jurisdiction conferred by the said Act upon the Court having jurisdiction under the said Act.

**G. N., H. D., No. 48/3, dated 9th December 1931 (B. G., Pt. I, p. 2754).** S. 3

In exercise of the powers conferred by the proviso to sub-section (*1*) of section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Court of Kaira to exercise all the jurisdiction under the said Act.

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†For entrustment of functions of the Central Government under all the provisions of the Act other than sub-section (*3*) of section 11, sub-section (*5*) of section 107, sub-sections (*1*), (*2*), (*2-A*) and (*2-B*) of section 144, section 151, sub-section (*1*) of section 249, sub-section (*3*) of section 277 and sub-section (*2*) of section 277-G—*See* Government of India, Department of Commerce, Notification No. 88 (13)-Tr. C. L./37, 26th March 1938, under section 124 (*1*) of the Government of India Act, 1935.

s. 3 **G. N., H. D., No. 5430/3, dated 27th November 1934 (B. G., Pt. I, p. 2649).**

In exercise of the powers conferred by the proviso to sub-section (*1*) of section 3 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to empower the District Courts of Ahmednagar, Belgaum, Bijapur, Dharwar, Kanara, East Khandesh, West Khandesh, Nasik, Ratnagiri and Thana to exercise all the jurisdiction under the said Act.

s. 26 (2) **G. N., F. D., No. 3781/33-D, dated 25th March 1939 (B. G., Pt. IV-A, pp. 566–567).**

*Amended by G. N., F. D., No. 3781/33-D, dated 29th December 1945*

In exercise of the functions of the Central Government under sub-section (*2*) of section 26 of the Indian Companies Act, 1913 (VII of 1913), entrusted to the Provincial Government by the Government of India, Department of Commerce, Notification No. 88 (13)-Tr.C.L./37, dated 26th March 1938, and in exercise of the power conferred by section 289-A of the said Act and in supersession of the existing orders, the Government of Bombay is pleased to direct that the following conditions shall be complied with by an association applying for a licence under section 26 of the said Act :—

(1) The applicant shall transmit a draft in duplicate of the proposed Memorandum and Articles of Association as well as a list of the promoters and proposed governing body. The applicant shall also furnish the address of each of the promoters and of the members of the proposed governing body.

(2) A fee of Rs. 50 for scrutinizing the drafts of the Memorandum and Articles of Association shall be sent along with an application for a licence under section 26 of the Indian Companies Act, 1913. The Memorandum and Articles of Association shall be settled on behalf of Government by the Solicitor to the Central Government at Bombay if the territories to which the objects of the Association extend are not confined to the State of Bombay and by the Solicitor to the Government of Bombay in the Legal Department, if the territories to which the objects of the Association extend are confined to the State of Bombay. Government shall not be responsible for the Memorandum or Articles being properly framed as regards the interests of the Association. The amount of the fee will not be refunded in any case.

(3) The applicant shall insert at his expense in two prominent local daily newspapers of which at least one should be a newspaper published in English, a notice in the following form with a view to ascertain whether there are any objections to the licence being granted. In localities where no English newspaper is published such notice shall be inserted in one prominent newspaper published in the regional language and in a prominent English newspaper published in Bombay City. This will have to be done after the Memorandum and Articles of Association are

settled on behalf of Government by the Solicitor to the Central Government or the Solicitor to the Government of Bombay in the Legal Department, as the case may be :—

FORM OF NOTICE.

APPLICATION FOR A LICENCE OF GOVERNMENT.

*Notice* is hereby given that in pursuance of section 26 of the Indian Companies Act, 1913, application has been made to the Government of Bombay for a licence that an Association about to be formed under the name of "The " shall be registered with limited liability without the addition of the word "limited" to its name.

The objects for which the Association is proposed to be established are :—

(Here the principal objects are stated.)

The other objects of the association are set out *in extenso* in the Memorandum of Association a copy of which may be inspected at the office of Messrs..... Solicitors at.....

*Notice is hereby given* that any person, company, firm or corporation objecting to this application may bring such objection before the Government of Bombay on or before the.....day of* next by a letter addressed to the Secretary to Government, Finance Department, Secretariat, Bombay.

Dated this day of 19 .

**G. N., R. D., No. 2799, dated 25th March 1914 (B. G., Pt. I, p. 646a).** S. 248 (1) & (2)

In exercise of the powers conferred by sub-section (*1*) and sub-section (*2*) of section 248 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased—

to direct that, for the purposes of the registration of companies under the said Act, there shall be an office in the City of Bombay.

**G. N., R. D., No. 8345, dated 14th August 1918 (B. G., Pt. I, p. 1689).** S. 248 (2)

In exercise of the powers conferred by sub-section (*2*) of section 248 of the Indian Companies Act, 1913 (VII of 1913), and in supersession of Government Notification in the Revenue Department, dated 21st November 1866, the Governor in Council is pleased to make the following regulations with respect to the duties of the Registrar and Assistant Registrars of Companies in the State of Bombay, namely :—

(1) The officer appointed by the State Government for the registration of companies under section 248 (*2*) of the Indian Companies Act, 1913, hereinafter referred to as "the Act" as Registrar shall be known as "The Registrar of Companies" and any officer appointed by the State Government under the said section as Assistant Registrar shall be known as "The Assistant Registrar of Companies".

* A period of at least one month should be allowed to elapse between the date of publication of the notice and the last day for submitting objections to Government.

In these regulations the above-named officers are referred as "the Registrar" and "the Assistant Registrar" respectively.

The officers hitherto known as Assistant Registrars of Joint Stock Companies appointed for certain duties outside the town of Bombay shall hereafter be known as "Assistant Registrars of Companies".

(2) The office of the Registrar shall be at Bombay and shall be open for business (Sundays and authorised holidays excepted) between the hours of 11 a.m. and 4 p.m. except on Saturdays when it shall be open between the hours of 11 a.m. and 2 p.m.

(3) The Registrar shall permit members of the public to take inspection of such registers, records or documents as under the Act they are entitled to inspect, provided that, before such permission is granted, such inspection fees shall have been paid as are prescribed. But he shall not permit any member of the public to make or cause to be made any copy of any document, and he shall permit only such details to be copied by any member of the public as may, in his opinion, be so copied without objection.

(4) The Registrar shall, on the application of a member of the public, grant such copies as by the Act may be granted, on the previous payment of the fees prescribed therefor.

(5) The Registrar shall in respect of every payment made to him grant a receipt under his hand specifying in such receipt the document or documents in respect of which the fee is paid.

(6) The Registrar shall not file, register or record any document or fact, in respect of which a fee is legally payable, until the said fee has been received and shall, pending the receipt of such fee, act in the same way as if no such document has been tendered for filing, registration or record.

(7) The Registrar shall institute such enquiries or make such investigations with any person, firm or company and in respect of any matter as may, in his opinion, be necessary for the proper performance of his duties and the administration of the Act.

(8) The Registrar shall, for proceedings in respect to acts of default under the Act, instituted outside the town of Bombay, be entitled to the assistance of the appropriate public prosecutor; and in respect of such proceedings instituted in the town of Bombay he shall be entitled to the assistance of the Solicitor to Government.

248 (2) **G. N., F. D., No. 3549/33-D, dated 1st February 1950 (B. G., Pt. I, p. 800).**

*Amended by Erratum, F. D., No. 3549/33, dated 22nd April 1950.*

*Amended by G. N., F. D., No. 3549/33-XIII, dated 21st April 1952.*

In exercise of the functions of the Central Government under sub-section (2) of section 248 of the Indian Companies Act, 1913 (VII of 1913), entrusted to the Provincial Governments by Government of India, Department of Commerce, Notification No. 88(13)-Tr.C.L./37, dated the 26th March 1938, and in supersession of Government Notification, Finance Department, No. 3549/33-D, dated the 9th November 1938, the Government of Bombay is pleased to appoint the Sub-Registrars and Joint Sub-Registrars appointed under the Indian Registration Act, 1908 (XVI of 1908), and specified in column (1) of the schedule

hereto appended, to be Ex-Officio Assistant Registrars for the registration of Companies, for purposes of performing in respect of Companies, having their registered offices in the district or districts specified against them respectively in column (2) of the said schedule, the following functions of a Registrar under the Indian Companies Act, 1913, namely :—

(1) Prosecuting defaulting Companies and/or the directors and officers thereof ;

(2) Making an application to the Court under sub-section (*3*) of section 137 ;

(3) Presenting a petition to the Court for winding up of a Company under section 166 ;

and

(4) Making an application to the Court under sub-section (*1*) of section 249-A.

*Schedule.*

| Sub-Registrars and Joint Sub-Registrars under the Indian Registration Act, 1908. | Name of the District. |
|---|---|
| (1) | (2) |
| Joint Sub-Registrars, Ahmedabad | Ahmedabad District. |
| Sub-Registrar of Broach | Broach District. |
| Sub-Registrar of Godhra | Panch Mahals District. |
| Joint Sub-Registrars, Surat | Surat and Dangs Districts. |
| Sub-Registrar of Nadiad | Kaira District. |
| Sub-Registrar of Himatnagar | Sabarkantha District. |
| Sub-Registrar of Palanpur | Banaskantha District. |
| Joint Sub-Registrars of Baroda | Baroda District. |
| Sub-Registrar of Mehsana | Mehsana and Amreli Districts. |
| Sub-Registrar of Thana | Thana District. |
| Sub-Registrar of Alibag | Kolaba District. |
| Sub-Registrar of Ratnagiri | Ratnagiri District. |
| Sub-Registrar of Dhulia | West Khandesh District. |
| Sub-Registrar of Jalgaon | East Khandesh District. |
| Sub-Registrar of Nasik | Nasik District. |
| Joint Sub-Registrars of Satara | Satara North District. |
| Joint Sub-Registrars of Sangli | Satara South District. |
| Joint Sub-Registrars of Sholapur | Sholapur District. |
| Sub-Registrar of Ahmednagar | Ahmednagar District. |
| Joint Sub-Registrars of Haveli (Poona) | Poona District. |
| Joint Sub-Registrars of Karvir | Kolhapur District. |
| Sub-Registrar of Belgaum | Belgaum District. |
| Sub-Registrar of Bijapur | Bijapur District. |
| Sub-Registrar of Dharwar | Dharwar District. |
| Sub-Registrar of Karwar | Kanara District. |

S. 248 (5) **G. N., R. D., No. 7598, dated 22nd July 1918 (B. G., Pt. I, p. 1454).**

In exercise of the powers conferred by sub-section (*5*) of section 248 of the Indian Companies Act, 1913 (VII of 1913), and in supersession of the order passed in paragraph 3 of Government Resolution, Judicial Department, No. 1375, dated 27th April 1866, the Governor in Council is pleased to direct that the fees for the inspection and for copies of documents kept by the Registrar of Companies should be fixed at the maximum rates allowed under the sub-section, viz.—

| | Rs. | a. | |
|---|---|---|---|
| (*i*) for each inspection ... | 1 | 0 | |
| (*ii*) for a certificate of incorporation ... ... | 3 | 0 | |
| (*iii*) for a certified copy of extract of any other document | 0 | 6 | per 100 words or a fraction thereof to be copied. |